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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

FRANCIS et al.

Serial No.: 09/657,289

Group Art Unit: 1652

Filing Date: September 7, 2000

Examiner: E. Slobodyansky

Title: LUCIFERASE EXPRESSION CASSETTES AND METHODS OF USE

TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is an Supplemental Information Disclosure Statement, including a Form PTO-1449 and copies of the cited references. It is believed that no fee is due.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: 11 Feb 2002

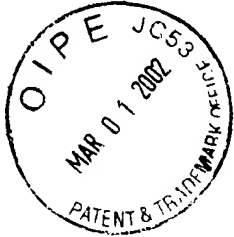
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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The information listed below may be material to the examination of the above-identified application. Copies of the information and completed PTO-1449 forms are submitted herewith. Enclosed is a check for \$180 to cover fees. The Examiner is respectfully requested to make this information of official record in the application. The information includes:

United States Patent No. 5,900,362 issued May 4, 1999 to Eberz et al.;

International Publication No. WO 90/04041, published April 19, 1990;

International Publication No. WO 93/16172, published August 19, 1993;

European Publication No. EP 1 016 419 A, published July 5, 2000;

French Publication No. FR 2 693 475 A, published January 14, 1994;

Bianchi et al., "Stress Responses as a Tool to Detect and Characterize the Mode of Action of Antibacterial Agents," *Applied and Environmental Microbiology* 65(11):5023-5027 (1999);

Francis et al., "Monitoring Bioluminescent *Staphylococcus aureus* Infections in Living Mice Using a Novel *lux*ABCDE Construct," *Infection and Immunity* 68(6):3594-3600 (2000);

Kozlowski et al., "Vectors Permitting Visual Monitoring of Simple Transposition Events," *Gene* 80(2):217-225 (1989);

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Lingnau et al., "Expression of the *Listeria Monocytogenes* EGD *inlA* and *inlB* Genes, Whose Products Mediate Bacterial Entry into Tissue Culture Cell Lines, by PrfA-Dependent and -Independent Mechanisms," *Infection and Immunity* 63(10):3896-3903 (1995);

Loessner et al., "Structural Proteins and DNA Characteristics of 14 *Listeria* Typing Bacteriophages," *Journal of General Virology* 75:701-710 (1994);

Loessner and Scherer, "Organization and Transcriptional Analysis of the *Listeria* Phage A511 Late Gene Region Comprising the Major Capsid and Tail Sheath Protein Genes *cps* and *tsh*," *Journal of Bacteriology* 177(22):6601-6609 (1995); and

Lunsford, Dwayne R., "A Tn4001 Delivery System for *Streptococcus Gordonii*, (Challis)" *Plasmid* 33(2):153-157 (1995).

This Supplemental Information Disclosure Statement under 37 CFR § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

Respectfully submitted,

Date:

11 Feb 2002

By:

Gary R Fabian

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